

REMARKS/ARGUMENTS

This is a full and timely response to the final Office Action dated October 10, 2006. Filed concurrently herewith is a petition for a one month extension. Applicant notes with appreciation the Examiner's thorough examination of the application as evidenced by the Office Action.

Prior to the issuance of the present Office Action, Claims 5-16 were pending. Applicant has amended Claims 8 and 9 to expedite prosecution and to further clarify the claimed inventions. Claims 5-16 remain pending in the present application.

It is respectfully submitted that pending Claims 5-16 are patentable. As such, Applicant respectfully requests reconsideration and allowance of the present claims in light of the following remarks.

Claim Objections On Page 2 of the present Office Action, the Examiner has identified a typographical error in Claim 9. In particular, the term "or" in Claim 9 should be replaced with the term "of." An appropriate correction has been made in this response and the Applicant respectfully request that this objection be withdrawn.

Claim Rejections - 35 USC §102

As provided in Section 2131 of the MPEP: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

On page 2 of the Office Action, the Examiner has rejected Claim 11 under 35 U.S.C. §102(e) as being anticipated by *Mann* (US Patent 5,514,081). However, *Mann* does not disclose each limitation recited in amended Claim 11. For example, *Mann* does not disclose the

limitation of “said inflatable member tends to increase tension in said retention member such that said limb is urged towards said structural body portion in such a manner as to result in flexion or extension of said joint” as recited in Claim 11. Instead, the straps identified by the Examiner in the *Mann* patent merely allow a user to set the elbow in one of a variety of fixed positions. (See Col. 4, lines 23-25). Fig. 14 also illustrates that the arm of the user is extended flush against the exoskeleton frame 76 prior to attachment of the straps 92, 94. Thus, the flexion of the arm occurs without interaction with the frame 76 or the straps 92, 94. Accordingly, the device disclosed in *Mann* does not satisfy the limitation of “said inflatable member tends to increase tension in said retention member such that said limb is urged towards said structural body portion in such a manner as to result in flexion or extension of said joint” recited in Claim 11. Because *Mann* does not disclose or suggest each limitation of Claim 11, the Applicants request the Examiner to withdraw this rejection.

Allowable Subject Matter

Applicant notes that the Examiner has indicated that Claims 5-10, and 12-16 are allowed.

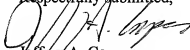
Conclusion

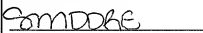
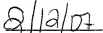
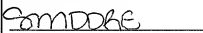
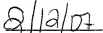
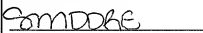
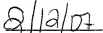
The foregoing is submitted as a full and complete response to the Office Action mailed October 10, 2006. The foregoing amendment to Claim 11, when taken in conjunction with the appended remarks, is believed to have placed the present application in condition for allowance, and such action is respectfully requested.

Appl. No.: 10/720,023
Amdt. dated 02/12/2007
Reply to Office action of October 10, 2006

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777	<p style="text-align: center;">CERTIFICATION OF ELECTRONIC FILING</p> <p>I hereby certify that this paper is being filed via the Electronic Filing System (EFS) to the United States Patent and Trademark Office on the date shown below.</p> <table border="0" style="width: 100%;"><tr><td style="width: 50%;"> Shana Moore</td><td style="width: 50%;"> Date</td></tr></table>	 Shana Moore	 Date
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